

REMARKSAmendments

In the claims, claim 1 has been amended by incorporating some of the subject matter of claims 4, 5, and 6. Basis for this amendment is found on page 5, lines 19-20, and in Figures 1-3, 5, and 7. These amendments have been made solely to more clearly define and recite the present invention. The amendments are not in any way related to the Examiner's rejection based on prior art nor any applied or cited prior art. These amendments have been made without prejudice to Applicants' right to prosecute claims of similar or different scope in one or more continuation applications.

The Rejection Under 35 USC § 102(a)

Applicants respectfully traverse the rejection of claims 1 to 7 under 35 USC § 102(a) as anticipated by Chu et al. (U.S. Patent No. 6,794,980 B2), insofar as the rejection is applicable to the amended claims.

The present claims are directed to a thermistor having a variable resistance part, whose resistance value changes in accordance with changes in temperature. The variable part, which may be a conductive polymer, is positioned between a first and a second electrode. Current is interrupted between the first and second electrodes in response to changes in the resistance value of the variable resistance part as the result of the presence of a heating part. The heating part is integrally formed with the same material as the variable resistance part; the heating part and variable resistance parts are in the form of a sheet. A third electrode is placed so that it is not in contact with either the first or second electrode and does not overlap either the first or second electrode but is in contact with the heating part. The heating part changes the resistance value of the variable resistance part by generating heat when current passes between the third electrode and either of the first or second electrodes. As a result, the activating speed and operating reliability of the switching operation are high.

Chu et al. discloses an overcurrent protection device that is designed to have a three-dimensional structure. In order to prevent the device from breaking during a bending process, an opening is positioned between two electrodes on the inside of the bend. Chu differs significantly from the present claims. First, as is described in Column 4, lines 17-28, the device of Chu is configured so that there are only two electrodes, i.e. first electrode 52 which is separated into two

electrode members (521 and 522), and second electrode 53, separated into three electrode members 531, 532, and 533. Electrically there are only two electrodes, despite the presence of the separations on each, unlike the present claims, which recite three electrodes. Second, even if one were to interpret the Figure 5 device in the way referred to by the Examiner, i.e. that there is a third electrode (comprising 531 and 533), there is overlap with one of the other electrodes, which is distinctly different from the present claims.

The Rejection Under 35 USC § 102(b)

Applicants respectfully traverse the rejection of claims 1 and 3 under 35 USC § 102(b) as anticipated by Vind (U.S. Patent No. 4,251,793), insofar as the rejection is applicable to the amended claims.

Vind discloses a variable resistor in which three electrodes (21, 22, 23) act together for use in a multiphase system. In contrast to the present claims, the device of Vind is not in the form of a sheet. Furthermore, while the Examiner contends that element 28 can be considered a variable resistance part, element 28 is actually the peripheral edge (see Column 4, lines 14-16), and is distinctly different from the variable resistance part of the present claims.

Disclosure Under 37 CFR § 1.56

In fulfilling the duty of candor and good faith, the following documents are hereby disclosed to the Patent Office in accordance with 37 CFR § 1.56. It is not admitted that the information in the listed documents is material to patentability as defined in 37 CFR § 1.56(b). The Examiner is requested to consider the documents in the examination of this application.

Accompanying this statement is a Form PTO/SB/08A in duplicate on which the documents are listed. The Examiner is requested to return an initialed and signed copy of the form once the documents have been considered.

The following document was cited by the Chinese Patent Office during the prosecution of Chinese Application No. 200480027455.7, which is a national stage application of International Application No. PCT/JP2004/014125, as is the present application. This document was cited as anticipating the claims of the Chinese application. A copy of the Japanese application and a machine translation are attached.

FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Name of Patentee or Applicant	Translation
JP09-055301-A	02-25-1997	Furukawa Electric Co. Ltd.	Machine

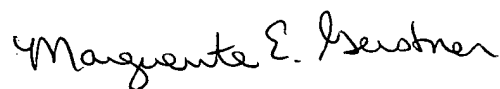
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In accordance with 37 CFR § 1.97(c)(2), the Commissioner is authorized to charge the fee for submitting this Information Disclosure Statement (\$180) to Deposit Account No. 18-0560.

Conclusion

It is believed that this application is now in condition for allowance and such action at an early date is earnestly requested. If, however, there are any outstanding issues which can be usefully discussed by telephone, the Examiner is asked to call the undersigned.

Respectfully submitted,



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